

1-9-97
Dated 1-9-97

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED
JAN - 7 1997
NANCY DOHERTY, CLERK
By - Q5 Deputy

TROY L. BISHOP,)
Plaintiff,)
v.)
TDCJ-ID HAVINS UNIT,)
RICHARD TRINCI, RICKY THORP,)
MEDICAL DOCTOR, PATRICIA PARMLEY)
and MEDICAL NURSES,)
Defendants.)

3:96-CV-2712-D

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pursuant to the provisions of 28 U.S.C. §636(b) and an order of this court, the subject cause has previously been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

FINDINGS AND CONCLUSIONS:

Plaintiff, an inmate currently confined in the Jester IV Unit of the Texas Department of Criminal Justice at Richmond, Texas, brings this civil rights action pursuant to 42 U.S.C. §1983. Plaintiff claims that, when he was confined in the Havins Unit of the Texas Department of Criminal Justice, Defendants denied him medical care for injuries suffered in a work-related accident. (Complaint p.5).

28 U.S.C. §1404(a) provides that "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." "Under the transfer statute, a district court may transfer a case upon a motion or *sua sponte*. 28 U.S.C.

3

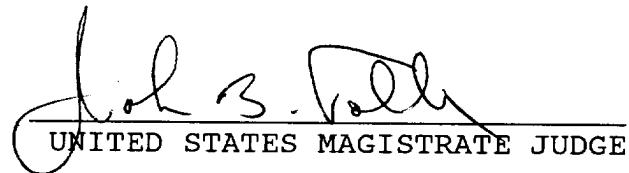
§1404 and §1406. The district court has broad discretion in deciding whether to order a transfer." Caldwell v. Palmetto State Savings Bank of South Carolina, 811 F.2d 916, 919 (5th Cir. 1987); accord Mills v. Beech Aircraft Corp., Inc., 886 F.2d 758, 761 (5th Cir. 1989).

The individuals named as defendants in this action are residents of Brown County, Texas which lies in the San Angelo Division of the Northern District of Texas. The events giving rise to this lawsuit occurred at the Havins Unit located in Brown County. No party to this suit resides in the Dallas Division nor does it appear that any event giving rise to this lawsuit occurred within the geographical boundaries of the Dallas Division. Therefore, transfer to the San Angelo Division is appropriate.

RECOMMENDATION:

I recommend that this case be transferred to the San Angelo Division of the Northern District of Texas pursuant to 28 U.S.C. §1404(a).

SIGNED this 7TH day of January, 1997.


John B. Polley
UNITED STATES MAGISTRATE JUDGE